

139 E. WARM SPRINGS RD.  
LAS VEGAS, NEVADA 89119  
T. 702.380.0007 | F. 702.380.2964

**BRANDON | SMERBER**  
**LAW FIRM**

**LEW BRANDON, JR., ESQ.**  
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**JEFFREY J. ORR, ESQ.**  
Nevada Bar No.: 7854  
**HOMERO GONZALEZ, ESQ.**  
Nevada Bar No.: 15231  
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*Attorneys for Defendant,*  
*99 CENTS ONLY STORES LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SILVIA GUERRERO-RAMIREZ,  
individually,

Plaintiff,

v.

99 CENTS ONLY STORES LLC; and DOES  
1-10; and DOE EMPLOYEES 11-20; and  
ROE BUSINESS ENTITIES 21-30,

Defendants.

CASE NO.:

**DEFENDANT, 99 CENTS STORE ONLY, LLC' S NOTICE OF REMOVAL OF  
ACTION TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)**

Defendant, 99 CENTS ONLY STORES LLC, by its undersigned attorney, LEW BRANDON, JR., ESQ., JEFFREY J. ORR, ESQ., and HOMERO GONZALEZ, ESQ., of BRANDON | SMERBER LAW FIRM, hereby removes the above-captioned case to the United States District Court, Clark County, Nevada, where the action is now pending, pursuant to 28 USC § 1441(a) and states as follows:

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1           1.       The above-entitled action was commenced in the Eighth Judicial District Court,  
2 Clark County, State of Nevada on August 24, 2022, bearing Case No. A-22-857398-C. The action  
3 is now pending in the Eighth Judicial District Court, Clark County, State of Nevada.

4           2.       Plaintiff filed her initial complaint on or about August 24, 2022. Plaintiff's  
5 Complaint fails to state that this case is one which is or has become removable. *See Harris v.*  
6 *Bankers Life & Cas. Co.*, 425 F.3d 689 (9th Cir. 2005). Defendant, 99 Cents Only Stores, LLC.  
7 filed an Answer to the initial complaint on September 26, 2022.

8           3.       Plaintiff filed a Request for Exemption from Arbitration on September 27, 2022,  
9 citing past medical special damages in excess of \$184,476.16. This was Defendant's first  
10 indication of this case involving an amount in controversy in excess of \$75,000.00.

11           4.       This Notice of Removal was filed timely as it was filed within thirty (30) days of  
12 service of Plaintiff's September 27, 2022, Request for Exemption from Arbitration, LLC, which  
13 was the first motion, order or other paper from which it could first be ascertained that this case is  
14 one which is or has become removable. *See* 28 U.S.C. 1446(b); *Harris*, 425 F.3d 689.

15           5.       Pursuant to Fed. R. Civ. P. 6 (a), the last day of the thirty (30) day period set forth  
16 under 28 U.S.C. 1446(b) is October 27, 2022. *See* 28 U.S.C. 1446(b), *Harris v. Bankers Life &*  
17 *Cas. Co.*, 425 F.3d 689 (9th Cir. 2005).

18           6.       This action concerns Plaintiff's Complaint, in which she alleged three causes of  
19 action: (1) Negligence/Premises Liability; and (2) Negligent Hiring, Supervision, and Failure to  
20 Warn.

21           7.       At the commencement of this action and at the time of the filing of this Notice of  
22 Removal, Plaintiff, SILVIA GUERRERO-RAMIREZ was, and now is, a citizen of the County of  
23 Clark, State of Nevada.  
24  
25  
26  
27  
28

8. At the commencement of this action and at all times herein, Defendant, 99 CENTS ONLY STORES, LLC, was, and now is, a limited liability company duly organized and existing under the laws of the County of Los Angeles, State of California with its principal place of business in California, and therefore, is a citizen of the State of California.

9. A limited liability company is a citizen of every state in which its members are citizens. *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). Where removal from state to federal court is at issue, the party seeking removal “bears the burden of establishing federal jurisdiction . . . .” *Naffe v. Frey*, 789 F.3d 1030, 1040 (9th Cir. 2015).

10. Here, 99 CENTS ONLY STORES, LLC.’ sole member is NUMBER HOLDINGS, INC., a Delaware Corporation. NUMBER HOLDINGS, INC. is organized under the laws of the State of Delaware with its principal place of business in Los Angeles County, California. In short, Defendant 99 CENTS ONLY STORES, LLC is an entity that has its principal place of business in Los Angeles County, California, and NUMBER HOLDINGS, INC., is organized under the laws of the State of Delaware with its principal place of business in Los Angeles County, California. . *Id.* Thus, for purposes of diversity analysis, 99 CENTS ONLY STORES, LLC and NUMBER HOLDINGS, INC., are citizens of California and Delaware.

11. Upon information and belief, Plaintiff’s past medical special damages are one hundred eighty-four thousand, four hundred seventy-six dollars & 16/100 (\$184,476.16) with an undetermined amount of other damages. As a result, the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

12. The United States District Court for the District of Nevada has original jurisdiction pursuant to 28 U.S.C. § 1332 in that the parties are citizens of different States and the amount in controversy exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) exclusive of interests and costs.

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14. A copy of all process and pleadings served upon the are attached hereto as **Exhibit**

A.

DATED this 5th day of October 2022.

**BRANDON | SMERBER LAW FIRM**

/s/ Lew Brandon, Jr., Esq.

**LEW BRANDON, JR., ESQ.**

Nevada Bar No. 5880

**JEFFREY J. ORR, ESQ.**

Nevada Bar No.: 7854

**HOMERO GONZALEZ, ESQ.**

Nevada Bar No.: 15231

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99 CENTS ONLY STORES LLC

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**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that on October 5, 2022, I served the foregoing  
**DEFENDANT, 99 CENTS STORE ONLY, LLC' S NOTICE OF REMOVAL OF ACTION**  
**TO UNITED STATES DISTRICT COURT UNDER 28 USC § 1441(a)** via the Court's  
electronic filing and service systems to all parties on the current service list.

**JASON W. BARRUS, ESQ.**  
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Nevada Bar No. 9986  
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*Attorneys for Plaintiff,*  
*SILIVA GUERRERO-RAMIREZ*

/s/ Maybelline Valle  
An Employee of BRANDON | SMERBER LAW FIRM